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10/593,039

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Linda Menrik

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EXAMINER

SCRUGGS, ROBERT J

ART UNIT

PAPER NUMBER

3723

MAIL DATE

DELIVERY MODE

01/20/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                      |  |
|------------------------------|--------------------------------------|--------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/593,039 | <b>Applicant(s)</b><br>MENRIK ET AL. |  |
|                              | <b>Examiner</b><br>ROBERT SCRUGGS    | <b>Art Unit</b><br>3723              |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This office action is in response to the amendment received on October 1, 2009. Claims 10-17 have been newly added therefore claims 1-17 remain pending in the application and have been fully examined. Applicants remarks regarding the combination of the previously applied Kisela teaching reference is found persuasive therefore the previous rejection is hereby withdrawn and a new rejection is made and discussed in further detail below.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 7-9 and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parker et al. (7013528) in view of Delgado et al. (6021545).

In reference to claim 1, 14 and 16, Parker et al. disclose a floor cleaning implement comprising: a handle (12) pivotally mounted on a base (14), said base supporting a brush arrangement (16) and a dust collecting container (80), the dust collecting container being adapted to receive via a dust inlet (94) dust particles by the brush arrangement (16), said base also being provided with a cloth holder (110) having a plate (116) facing the floor (Figure 12), the plate (116) being adapted to be covered by a dust cloth (118), but lack, a liquid container and means for distributing liquid directly or

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indirectly to the cloth. However, Delgado et al. teach that it is old and well known in the art to distribute liquid onto a cleaning cloth (95) (Figure 30) by using a liquid container (23) and means (formed as applicator 21) for distributing liquid directly or indirectly to cloth (95). It would have been obvious to one of ordinary skill in the art to modify the cloth holder, of Parker et al., with the known technique of distributing liquid onto a cleaning cloth, as taught by Delgado et al., and the results would have been predictable. In this situation, one could provide a continuous supply of cleaning liquid onto a cloth thereby more effectively cleaning various surfaces while also enabling continuous working on said surfaces in one operation.

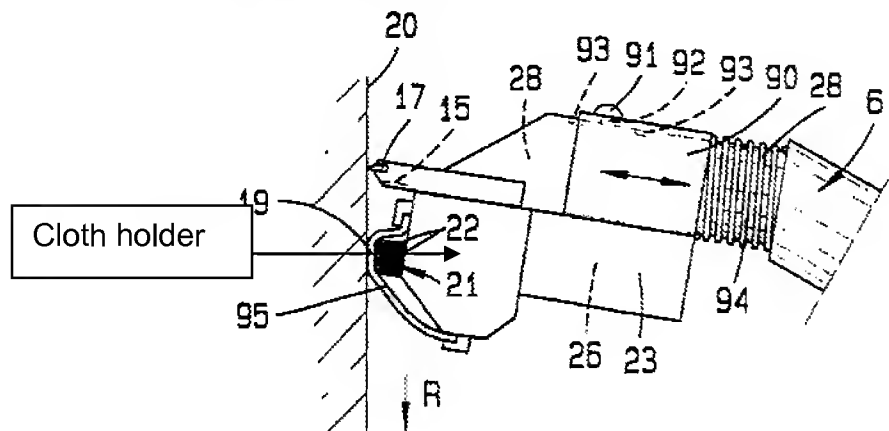
In reference to claim 2, Parker et al. also disclose that the brush arrangement includes at least one electrically driven brush (32) (Column 3, Lines 6-10).

In reference to claim 7, Parker et al. also show that the cloth holder (110) is removably arranged on the base (14) (Figure 12).

In reference to claims 8, 15 and 17, Delgado et al. also teach that a cloth holder (see figure below) can be provided with said liquid distributing means (21). It would have been obvious to one of ordinary skill in the art to modify the cloth holder, of Parker et al., with the known liquid distributing means, as taught by Delgado et al., and the results would have been predictable. In this situation, one could provide a continuous supply of

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cleaning liquid onto a cloth thereby more effectively cleaning various surfaces while also enabling continuous working on said surfaces in one operation.

***Fig. 30***

In reference to claim 9, Delgado et al. also show that the liquid container (23) is an integrated part of said cloth holder (see figure above).

4. Claims 3-6, 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parker et al. (7013528) in view of Delgado et al. (6021545) and Frazer (3319278).

In reference to claims 3 and 10, Parker et al. disclose the claimed invention previously mentioned above, but lack, using two brush rolls arranged such that the brush axes are non parallel. However, Frazer teaches a technique of forming a cleaning device with two

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brush rolls arranged such that the brush axes are non parallel (16) (Figure 2). It would have been obvious to one of ordinary skill in the art to modify the brush arrangement, of Parker et al., with the known technique of forming a cleaning device with two brush rolls arranged such that the brush axes are non parallel, as taught by Frazer, and the results would have been predictable. In this situation, one could provide a brush arrangement having brushes formed in a V-shape with the vertex angle being selectively adjustable between acute and obtuse angles thereby more effectively removing material from the surface being cleaned.

In reference to claims 4 and 11, Frazer also shows that the said brush axes are arranged in a V-shaped pattern (Figure 2).

In reference to claims 5 and 12, Frazer also shows that the tip of the V is placed in the forward movement direction of the implement (Figure 2).

In reference to claims 6 and 13, since Parker et al. already teach that the dust inlet (94) corresponds to the angular displacement of brush (32) therefore the combination of Parker et al. (7013528) in view of Delgado et al. and Frazer would obviously provide a dust inlet corresponding to the angular displacement of brushes (16).

***Response to Arguments***

5. Applicant's arguments filed October 1, 2009 have been fully considered but they are not persuasive.

6. Applicant contends that, **“In view of the foregoing, the Applicant respectfully submits that there is no prima facie case of obviousness because there is no reasonable expectation that the combination would be successful (because it is not even taught how to make the combination work), and problems like steering issues caused by non-parallel brushes would teach away from the combination or render the Parker device unsatisfactory for its intended purpose.”**

a. However, the examiner respectfully disagrees with this statement. By forming a brush arrangement such that the brushes form a V-shape one could provide a vertex angle that is selectively adjustable between acute and obtuse angles thereby more effectively removing material from the surface being cleaned therefore the examiner believes the rejection is proper.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT SCRUGGS whose telephone number is (571)272-8682. The examiner can normally be reached on Monday-Friday 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on 571-272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ROBERT SCRUGGS/  
Examiner, Art Unit 3723